

REMARKS

Claims 1-20 are pending in the application, of which Claims 1, 10, 13, and 18 are independent. All claims have been rejected under 35 U.S.C. 102(e). Applicants respectfully traverse those rejections and request reconsideration.

Claims 19 and 20 are being rewritten in independent form. Independent Claims 1 and 10 are being canceled. Claims 2, 4-9, 11, 12, and 14-17 are being amended to change their dependencies from Claim 1 or 10 to newly independent Claim 19 or 20, as appropriate. Claim 18 is being amended to incorporate the subject matter of Claims 19 and 20. Upon entry of the amendments, Claims 2-9 and 11-20 will be pending, of which Claims 13 and 18-20 will be independent.

Claims 1-20 have been rejected under 35 U.S.C. 102(e) as being anticipated by Dove *et al.* (U.S. Pub. No. 2003/0007502, hereinafter "Dove"). In rejecting the claims, the Office has interpreted Dove's central office to be the claimed "*local switch*" (*see* Fig. 3 of Dove and page 2 of the Office Action) and has asserted that the network elements of Fig. 3, which are connected to an Asymmetric Digital Subscriber Line (ADSL) and Plain Old Telephone Service (POTS), groom traffic inbound for the central office by combining the ADSL and POTS traffic on Optical Carrier-3 (OC3) lines. It should be noted that the OC3 lines carry traffic at a higher speed than the ADSL and POTS lines.

As recited in independent Claim 19, and as similarly recited in independent Claims 13, 18, and 20, "*grooming inbound traffic at the first transport switch includes separating higher speed traffic streams into lower speed traffic streams.*" According to the interpretation given in the Office's rejections, Dove does just the opposite. Dove combines the ADSL and POTS traffic inbound for its central office into higher speed OC3 lines (*see* Fig. 3 of Dove). Therefore, Dove does not anticipate the independent claims.

Further, it would not be obvious to modify a network element of Dove to separate the ADSL and POTS traffic into even lower speed traffic streams before being passed to the central office because such a modification would both change Dove's principle of operation and require a substantial reconstruction and redesign of the elements shown in Dove (*see* section 2143.01 of

the MPEP). Therefore, Applicants respectfully submit that Claims 13 and 18-20 are also not obvious over Dove.

Dependent Claims 2-9, 11, 12, 14-17, 19, and 20 depend from either independent Claims 19 or 20 and include the elements presented above as being novel and nonobvious over the cited art. Therefore, Applicants respectfully submit that the dependent claims are novel and nonobvious over the cited art for at least the same reasons.

In addition, the dependent claims recite further elements that are neither taught nor suggested by the cited art. For example, Dove does not teach or suggest that the claimed invention is "*performed in a central office*," as recited in Claim 8 and as similarly recited in Claim 16. The Office has interpreted Dove's central office to be the claimed local switch and has interpreted components outside of the central office to be the remaining claimed elements. Therefore, Applicants respectfully submit that Dove does not teach or suggest performing the claimed invention in the central office.

As such, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. 102(e) and acceptance of Claims 2-9 and 11-20.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims that will be pending after entry of this Amendment (Claims 2-9 and 11-20) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

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